

REMARKS/ARGUMENTS

In response to the Office Action mailed May 2, 2006, Applicant amends his application and requests reconsideration. In this Amendment original claims 1-9 are replaced by new claims 10-22. Accordingly, claims 10-22 are now pending.

Claim 10 is an independent claim directed to the electrical switching assembly described in the patent application. That switch assembly is modular in nature and provides for changing switching functions by interchanging housings that interact with a switching element. Typically, a switching element is permanently mounted on a printed circuit board so that when a function or operation of the switch including the switching element is to be changed, it is highly undesirable to attempt to remove the switching element from the printed circuit board. The invention provides a structure that permits changing the switching mode or function by replacing the housing that is part of the switch. Each housing includes a control rocker that pivots and interacts with a switching element mechanically to actuate the switching element.

As defined in new claim 10, the switch includes the switching element that is conventionally mounted, for example by soldering, on a printed circuit board. The switching element may include electrical contacts so that upon actuation, a change in electrical connections is achieved. As explained in the patent application, an example of different switching modes might be the mere opening and closing of the circuit or a reversing function in which, as known to those of skill in art, a multiple pole switch may change interconnections between poles. See the patent application at page 5, lines 1-5.

The invention as defined by claim 10 includes two interchangeable housings. Each housing includes a corresponding control rocker that pivots, as described at page 4 of the patent application. The pivoting, depending upon the particular mechanical construction of each housing, is arranged to provide actuation of the switching element. The function or switching mode provided by the control rocker of the corresponding housing is different for the two housings, based upon mechanical

structure. Thereby, the interactions between the respective control rockers and the switching element are different. For example as described in the paragraph at page 5 of the patent application and beginning in line 24, the control rocker of one of the housings might provide for two stationary positions of the control rocker and the other housing might provide a "push-button mode" in which the control rocker may be momentarily moved to a temporary position that is released when pressure applied to the control rocker is released. Examples of different mechanical structures and interactions with switching elements are described in the paragraph that begins on page 5, in line 31 of the patent application.

New claim 11 describes the presence, within a single switch, of two switching elements. One of the housings, when mounted in place, provides actuation of both switching elements as described in the patent application at page 6, lines 15-27. Upon interchange of the housings, only one of the switching elements is actuated by the replacement control rocker as described in the patent application from page 6, line 28 through page 7, line 4. The paragraph that follows, beginning in line 5 of page 7, explains the reverse situation in which a housing originally in place actuates only one of the two switching elements but is replaced by a housing that actuates both of the switching elements. Claim 11 encompasses both of these situations, regardless of the numbering of the switching elements.

New claims 12-14 are derived from original claims 3-5, respectively.

New independent claim 15 is directed to a modular electrical switch assembly that includes a plurality of switches, for example, as illustrated in Figures 1-3 of the patent application. Each of the switches of the switch assembly has the same construction as the switching assembly of new claim 10. New claims 16 and 17 are similar to new claim 11, expressing the interchangeability of housings of respective switches to alter modes or functions of operation. New claims 18-20 are derived from original claims 3-5. Claims 21 and 22 are derived from original claim 8 and are supported by the description in the patent application of the shell, and corresponding interaction between the shell and the housing, from page 7, line 21 through page 8,

line 15 of the patent application. This description is supported by Figures 4-8 of the patent application.

The examined claims were rejected as indefinite. It is with this rejection in mind that the new claims have been prepared and submitted. It is believed that the new claims are free of the language issues that were the basis of the rejection pursuant to 35 USC 112, second paragraph so that that rejection is moot.

Examined claims 1-5 were rejected as anticipated by Mayo et al. (Published U.S. Patent 2003/0089587, hereinafter Mayo). While it is understood how this rejection was constructed, the rejection is not pertinent to any pending claim and is, therefore, respectfully traversed.

Mayo describes a dimmer switch that includes an ON/OFF push-button switch and a dimming switch activated by rocking a lever positioned adjacent to the ON/OFF switch button.

Mayo cannot anticipate the pending claims because there are no interchangeable housings in Mayo like the first and second housings of claim 10. In fact, the assertion that the various parts in the apparatus described by Mayo are detachable is not, in practical application, correct. It is well known that products sold by the assignee of Mayo are assembled in a way to prevent or inhibit user disassembly. While the exploded views of the patent application are important to understand what is disclosed by Mayo, those drawings do not represent a finished product.

Further, the invention is distinct from Mayo because there is never any change in function provided through the changing of any housing in Mayo. There is simply an ON/OFF switch and a switch that activates a circuit including electronic elements, like SCRs, that control the average current supplied to a lamp or other electrical device.

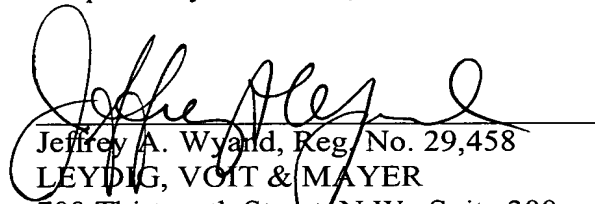
Because of the foregoing difference between the invention as now defined and Mayo, further discussion of the rejection of the examined claims based upon May is not necessary nor supplied.

Examined claims 6-9 were rejected as unpatentable of Gutman (U.S. Patent 4,760,218) in view of Mayo. This rejection is likewise inapplicable to any pending claim and respectfully traversed.

Gutman was cited as disclosing multiple switches mounted on a panel and that may be interchangeable, according to the Office Action. For the internal construction of the switches of examined claims 6-9 reliance was placed upon Mayo. For the same reasons advanced as to why claim 10 is distinct from Mayo, Mayo cannot describe the internal construction of the switches of independent claim 15. Thus, even if Gutman stands for the proposition for which it was cited, no modification of Gutman with Mayo can include all of the elements of claim 15 and its dependent claims. As with the rejection for anticipation of claims 1-5, further comment on the rejection of claims 6-9, is unnecessary and is not provided.

Reconsideration and allowance of all of the new claims, claims 10-22, are earnestly solicited.

Respectfully submitted,



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